

# Union Calendar No. 760

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4809

**[Report No. 115–972]**

To increase access to agency guidance documents.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. WALKER introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

SEPTEMBER 25, 2018

Additional sponsors: Mr. GAETZ, Mr. ROUZER, Mr. JONES, and Mr. ROKITA

SEPTEMBER 25, 2018

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 16, 2018]

# **A BILL**

To increase access to agency guidance documents.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Guidance Out Of Dark-*  
5 *ness Act” or the “GOOD Act”.*

6 **SEC. 2. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**  
7 **INTERNET.**

8        (a) *IN GENERAL.*—*On the date on which an agency*  
9 *issues a guidance document, the head of the agency shall*  
10 *publish the guidance document in accordance with sub-*  
11 *section (c).*

12        (b) *PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.*—  
13 *With respect to any guidance document issued by an agency*  
14 *before the effective date of this Act that is in effect on the*  
15 *effective date of this Act, the head of each agency shall meet*  
16 *the requirements of subsection (c).*

17        (c) *SINGLE LOCATION.*—*The head of each agency shall:*

18                (1) *Publish any guidance document issued by the*  
19 *agency in a single location on the publicly accessible*  
20 *Federal Government website (commonly known as*  
21 *regulations.gov) described under section 206(d) of the*  
22 *E-Government Act of 2002 (Public Law 107-347; 44*  
23 *U.S.C. 3501 note).*

24                (2) *With respect to a guidance document issued*  
25 *by an agency, include a hyperlink on the online por-*

1 *tal of the agency that provides access to the guidance*  
2 *document published pursuant to paragraph (1).*

3 *(3) Ensure that any guidance document pub-*  
4 *lished pursuant to paragraph (1) is—*

5 *(A) clearly identified as a guidance docu-*  
6 *ment;*

7 *(B) sorted into subcategories, as appro-*  
8 *priate;*

9 *(C) published in a machine-readable and*  
10 *open format; and*

11 *(D) searchable.*

12 *(4) Ensure that any hyperlink described in*  
13 *paragraph (2) be prominently displayed on the online*  
14 *portal of the agency.*

15 *(d) RESCINDED GUIDANCE DOCUMENTS.—Not later*  
16 *than the date on which a guidance document issued by an*  
17 *agency is rescinded, the head of the agency shall on the Fed-*  
18 *eral Government website described in subsection (c)(1)—*

19 *(1) maintain a copy of the rescinded guidance*  
20 *document; and*

21 *(2) indicate—*

22 *(A) that the guidance document is re-*  
23 *scinded; and*

24 *(B) the date on which the guidance docu-*  
25 *ment was rescinded.*

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 *In this Act, the term “guidance document” shall be*  
3 *construed broadly.*

4 **SEC. 4. DEFINITIONS.**

5 *In this Act:*

6 (1) *AGENCY.*—*The term “agency” has the mean-*  
7 *ing given that term in section 551 of title 5, United*  
8 *States Code.*

9 (2) *GUIDANCE DOCUMENT.*—*The term “guidance*  
10 *document”*—

11 (A) *means an agency statement of general*  
12 *applicability (other than a rule that has the*  
13 *force and effect of law promulgated in accord-*  
14 *ance with the notice and public procedure under*  
15 *section 553 of title 5, United States Code) that—*

16 (i) *does not have the force and effect of*  
17 *law; and*

18 (ii) *sets forth—*

19 (I) *an agency decision or a policy*  
20 *on a statutory, regulatory, or technical*  
21 *issue; or*

22 (II) *an interpretation of a statu-*  
23 *tory or regulatory issue; and*

24 (B) *may include any of the following:*

25 (i) *A memorandum.*

26 (ii) *A notice.*

- 1                   (iii) *A bulletin.*
- 2                   (iv) *A directive.*
- 3                   (v) *A news release.*
- 4                   (vi) *A letter.*
- 5                   (vii) *A blog post.*
- 6                   (viii) *A no-action letter.*
- 7                   (ix) *A speech by an agency official.*
- 8                   (x) *An advisory.*
- 9                   (xi) *A manual.*
- 10                  (xii) *A circular.*
- 11                  (xiii) *Any combination of the items de-*
- 12                         *scribed in clauses (i) through (xii).*

13                  (3) *RULE.—The term “rule” has the meaning*

14                         *given that term in section 551 of title 5, United*

15                         *States Code.*

16 **SEC. 5. EFFECTIVE DATE.**

17                         *This Act shall take effect on the date that is 180 days*

18                         *after the date of the enactment of this Act.*



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